

**Notice of Allowability**

Application No.

09/671,245

Examiner

Aaron Strange

Applicant(s)

ISHIYAMA, MASAHIRO

Art Unit

2153

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to interview of 11/16/2006.
2. ☒ The allowed claim(s) is/are 16,19,22,25,29,33,37 and 41 (now renumbered 1-8).
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |  |   |
|--|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)   | 5. <input type="checkbox"/> Notice of Informal Patent Application                     |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),<br>Paper No./Mail Date _____    | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment                   |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance  |
|  | 9. <input type="checkbox"/> Other _____   |

### EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Zachary S. Stern (Reg. No. 54,719) on 11/16/2006.

The application has been amended as follows:

#### IN THE CLAIMS:

2. **CANCEL** claims 27,31,35 and 39.
3. In claim 16:
  - a. **REPLACE** "domain name system servers" **WITH** "domain name servers" in line 8.
  - b. **REPLACE** "to the first" **WITH** "to first" in line 15.
  - c. **REPLACE** "domain name system servers" **WITH** "domain name servers" in lines 15-16.
  - d. **REPLACE** "domain name system servers" **WITH** "domain name servers" in lines 22-23.
  - e. **REPLACE** "domain name system server" **WITH** "domain name server" in line 24.

Art Unit: 2153

- f. **REPLACE** "domain name system server" **WITH** "domain name server" in lines 26-27.
  - g. **INSERT** "in part" **AFTER** "at least" in line 22.
  - h. **INSERT** "further" **AFTER** "inquiry response" in line 25.
- 4. In claim 19:
  - a. **REPLACE** "domain name system servers" **WITH** "domain name servers" in lines 6-7.
  - b. **REPLACE** "domain name system servers" **WITH** "domain name servers" in line 13.
  - c. **REPLACE** "domain name system servers" **WITH** "domain name servers" in line 18.
  - d. **REPLACE** "domain name system server" **WITH** "domain name server" in lines 19-20.
  - e. **REPLACE** "domain name system server" **WITH** "domain name server" in line 22.
  - f. **INSERT** "in part" **AFTER** "at least" in line 17.
  - g. **INSERT** "further" **AFTER** "inquiry response" in line 21.
- 5. In claim 22:
  - a. **REPLACE** "domain name system servers" **WITH** "domain name servers" in lines 9-10.

Art Unit: 2153

- b. **REPLACE** "domain name system servers" **WITH** "domain name servers" in line 16.
  - c. **REPLACE** "domain name system servers" **WITH** "domain name servers" in line 21.
  - d. **REPLACE** "domain name system server" **WITH** "domain name server" in lines 22-23.
  - e. **REPLACE** "domain name system server" **WITH** "domain name server" in line 26.
  - f. **INSERT** "in part" **AFTER** "at least" in line 20.
  - g. **INSERT** "further" **AFTER** "inquiry response" in line 25.
6. In claim 25:
- a. **REPLACE** "domain name system servers" **WITH** "domain name servers" in line 8.
  - b. **REPLACE** "domain name system servers" **WITH** "domain name servers" in lines 16-17.
  - c. **REPLACE** "domain name system servers" **WITH** "domain name servers" in lines 23-24.
  - d. **REPLACE** "domain name system server" **WITH** "domain name server" in line 25.
  - e. **REPLACE** "domain name system server" **WITH** "domain name server" in lines 27-28.

- f. **INSERT** "in part" **AFTER** "at least" in line 23.
  - g. **INSERT** "further" **AFTER** "inquiry response" in line 26.
- 7. In claim 29:
  - a. **REPLACE** "domain name system servers" **WITH** "domain name servers" in lines 3-4.
  - b. **REPLACE** "domain name system servers" **WITH** "domain name servers" in line 11.
  - c. **REPLACE** "domain name system server" **WITH** "domain name server" in line 22.
  - d. **REPLACE** "domain name system server" **WITH** "domain name server" in lines 24-25.
  - e. **INSERT** "in part" **AFTER** "at least" in line 20.
  - f. **INSERT** "further" **AFTER** "inquiry response" in line 23.
- 8. In claim 33:
  - a. **REPLACE** "domain name system servers" **WITH** "domain name servers" in line 3.
  - b. **REPLACE** "domain name system servers" **WITH** "domain name servers" in lines 9-10.
  - c. **REPLACE** "domain name system server" **WITH** "domain name server" in lines 20-21.

Art Unit: 2153

d. **REPLACE** "domain name system server" **WITH** "domain name server" in line 23.

e. **INSERT** "in part" **AFTER** "at least" in line 18.

f. **INSERT** "further" **AFTER** "inquiry response" in line 22.

9. In claim 37:

a. **REPLACE** "domain name system servers" **WITH** "domain name servers" in line 6.

b. **REPLACE** "domain name system servers" **WITH** "domain name servers" in lines 12-13.

c. **REPLACE** "domain name system server" **WITH** "domain name server" in line 22.

d. **INSERT** "further" **AFTER** "inquiry response" in line 21.

e. **INSERT** "selecting the second domain name inquiry response based at least in part on the server information corresponding to the second domain name server to said client;" **AFTER** "inquiry response;" in line 20.

10. In claim 41:

a. **REPLACE** "domain name system servers" **WITH** "domain name servers" in line 4.

b. **REPLACE** "domain name system servers" **WITH** "domain name servers" in line 11.

Art Unit: 2153

- c. **REPLACE** "domain name system server" **WITH** "domain name server" in lines 19-20.
- d. **REPLACE** "domain name system server" **WITH** "domain name server" in line 22.
- e. **INSERT** "in part" **AFTER** "at least" in line 20.
- f. **INSERT** "further" **AFTER** "inquiry response" in line 23.

***Allowable Subject Matter***

- 11. Claims 16,19,22,25,29,33,37 and 41 are allowed.
- 12. The following is an examiner's statement of reasons for allowance:

The prior art of record fails to disclose or reasonably suggest a system as claimed, and as supported by the specification, wherein two responses to a domain name inquiry are received from first and second domain name servers, and selecting one of the responses based at least in part on server information corresponding to the first and second domain name servers and further based on a failure counter included in the server information corresponding to the first server exceeding a predetermined value. These limitations, when considered as a whole with the other claimed limitations, are not taught or reasonably suggested by the prior art of record.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably

Art Unit: 2153

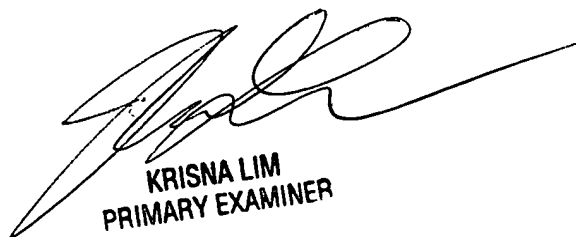
accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aaron Strange whose telephone number is 571-272-3959. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glen Burgess can be reached on 571-272-3949. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AS  
11/17/2006



KRISNA LIM  
PRIMARY EXAMINER